

Memorandum

To: Development Review Committee

From: Julianne Thomas, Planner
Alex Score, Biologist

Date: June 21, 2006

Re: Request for Future land Use Map Amendments

MEETING DATE: April 26, 2006

RE NUMBER: 00080040.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 458,513.77 S.F. or 10.53 acres; 0.22 acres being changed

RE NUMBER: 00080040.000100

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Club

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 42,476.85 S.F. or 0.97 acres; 0.83 acres being changed

RE NUMBER: 00573650.002800

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 419,858.06 S.F. or 9.64 acres; 0.44 acres being changed

RE NUMBER: 00572797.003700

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL) & Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 45,720.47 or 1.05 acres; 0.10 acres changing from RL to MC; 0.62 acres changing from R to MC

RE NUMBER: 00572797.003603

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Club

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 9,048.5 S.F. or 0.208 acres; 0.14 acres changing

RE NUMBER: 00572797.003600

EXISTING FUTURE LAND USE MAP DESIGNATION: Recreation (R)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)

EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)

PROPERTY OWNER: Ocean Reef Acquisition Corp.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 35.6 acres; 0.55 acres changing

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. These properties are the security gate and employment office for Ocean Reef. The property is legally described as Harbor Course, Sec. 1, Tract B, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers:

00080040.000000, 00080040.000100, 00572797.003600, 00573650.002800, 00572797.003700 and 00572797.003603.

Existing Use:

The property currently has a one-story building of approximately 2,464 sq. ft., which is used as the human resources office for Ocean Reef. There is also a parking lot that is used by this building, and a guardhouse at the entrance of Ocean Reef. The rest of the parcels are occupied by roads and landscape vegetation.

Existing Habitat:

The property is disturbed with planted buffers and landscaping of both native and exotic species.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The 1985 existing conditions aerials classify this property as Golf Course, disturbed with Hammock (740.1), and Tropical Hardwood Hammock (426).

Neighboring Land Uses and Character:

The surrounding properties are a variety of uses. The surrounding properties are mostly open spaces, golf course, and hardwood hammock. To the North, South, and West are tropical hardwood hammock and golf courses. To the East is the main road into Ocean Reef Club and a golf course.

ZONING AND LAND USE HISTORY

Pre – 1986 Zoning:

The subject property was zoned General Use (GU), single-family residential district (RU-1), and multiple family residential district (RU-3) prior to 1986.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with a Future Land Use Map (FLUM) designation of Residential Low (RL).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply FLUM designations that were consistent with the land use district designations.

Map changes or boundary considerations since 1986:

These parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time. Staff is seeking this change to make FLUM designation consistent with the land use designation.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None.

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

None.

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. After 1986, these parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time. Staff would like to remove these inconsistencies and allow full development of these parcels.

(v.) Recognition of a need for additional detail or comprehensiveness:

The current zoning of SC properly reflects the uses which occupy the parcel. In order for these critical uses to continue, the FLUM needs to be changed to be consistent with this zoning.

(vi.) Data updates:

None.

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The property has current FLUM designations of Recreation (R) and Residential Low (RL) which are inconsistent with the SC land use district map designation.

Policy 101.4.2

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use

that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

Policy 101.4.9

The principal purpose of the Recreation land use category is to provide for public and private activity-based and resource-based recreational facilities.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a future land use map amendments from Recreation (R) and Residential Low (RL) to Mixed Use/Commercial (MC).

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM from R and RL to a FLUM of MC will not increase the intensity of the use. Rather, it will allow all the uses already permitted via the SC zoning.

Use Compatibility

The property is currently being used for a human resources office, gatehouse, roads and landscaping purposes. The change in FLUM is needed to correspond with the land use designation which was changed in 1996.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

This FLUM change will not have a negative effect on this goal.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities.

The proposed FLUM amendment will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.
 - (iv.) **New issues**

After 1986, these parcels were changed from SS to SC under a development agreement with Ocean Reef but the FLUM was not changed at the same time. Staff became aware that this was a parcel which had a land use designation change without a corresponding FLUM change.
 - (v.) **Recognition of a need for additional detail or comprehensiveness:**

Changing the FLUM of this parcel will allow this area of Ocean Reef to continue the uses already found on these parcels.
3. The subject property was zoned General Use (GU), single-family residential district (RU-1), and multiple family residential district (RU-3) prior to 1986.
4. The subject properties were assigned zoning of Sparsely Settled (SS) in 1986.
5. The subject properties were subsequently changed to a zoning of Sub Urban Commercial (SC) in 1996.
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) and Recreation (R) for the SS parcels.
7. RL and R are not the corresponding FLUM categories for SC parcels.
8. Mixed Use Commercial (MC) is the appropriate corresponding FLUM designation for SC parcels.
9. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
10. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

11. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed future land use map designation is appropriate for this property and will allow the owners to make full use of the subject property.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Development Review Committee for the proposed Future Land Use Map amendment from Recreation (R) to Mixed Use/Commercial (MC) for RE#s 00573650.002800, 00572797.003600 and 00572797.003603; Residential Low (RL) to Mixed Use/Commercial (MC) for RE#s 00080040.000000, 00080040.000100, 00572797.003600; and from Recreation (R) and Residential Low (RL) to Mixed Use/Commercial (MC) for RE# 00572797.003700.

FLUM Amendment: RE # 00080040.000000, 00080040.000100, 00572797.003600, 00573650.002800, 00572797.003700 and 00572797.003603.

